IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 20331 of 2003

Between:

A. Ramesh Babu, S/o. Jammanna
R/o. 40/790, Nehru Nagar,
Kurnool District.

..... PETITIONER

AND

1 The Superintendent of Police, Kurnool,
Kurnool District.
2 The Deputy Superintendent of Police, Kurnool
Kurnool District
3 The Inspector of Police,
II Town Police Station, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in opening a rowdy-sheet against the petitioner though the petitioner will not came within the purview of order 742 of A.P. Police Standing order as illegal, arbitrary and against the Art.21 of the Constitution of India and consequently direct the respondents to delete the name of

the petitioner from the rolls of the rowdy-sheets.

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondent Nos.1 to 3: G.P. FOR HOME

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the respondents in opening rowdy sheet against the petitioner under Order 742 of A.P.Police Standing Order as illegal and arbitrary.

It is stated by the petitioner that the case in Cr.No.77 of 2000 of II Town Police Station in C.C.No.239 of 2000 for the offence under Section 324 IPC was compromised in Lok Adalat on 15.7.2000, the case in Cr.No.274 of 2001 in P.R.C.No.2 of 2002 for the offence under Section 307 IPC was pending and the case in Cr.No.9 of 2002 in P.R.C.No.12 of 2002 in S.C.No.243 of 2002 under Sections 324 and 307 IPC was already acquitted by the Sessions Court on 31.1.2003. It is the case of the petitioner that pendency of summary case is of no ground to open rowdy sheet against the petitioner. After filing of the present writ petition the case in the said Cr.No.274 of 2001 in P.R.C.No.2 of 2002 and S.C.No.481 of 2003 was also ended in acquittal by judgment dated 31.3.2004 on the file of the Additional Assistant Sessions Judge, Kurnool, and, therefore, there is no case pending against the petitioner.

In the counter affidavit filed by the respondents it is stated that the case in Cr.No.274 of 2001 for the offence under Section 307 IPC is wrongly mentioned as Cr.No.284 of 2001.

Admittedly, the case in Cr.No.274 of 2001 relates to P.R.C.No.2 of 2002 and S.C.No.481 of 2003 which was also ended in acquittal

and, therefore, no case is pending against the petitioner as on date. Therefore, it cannot be said that the petitioner is a habitual offender involving breach of peace. In view of the acquittal of the petitioner in the above three cases, I am of the opinion that the continuance of rowdy sheet against him is unsustainable.

The writ petition is, accordingly, allowed and the respondents are directed to close down the rowdy sheet against the petitioner. No order as to costs.

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(V.ESWARAIAH, J.)

12.4.2005

kpr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Mr.Bilal Nazki, the Acting Chief Justice on this the Tuesday, the twelfth day of April, two thousand and five.

To

1 The Superintendent of Police,
Kurnool District.
2 The Deputy Superintendent of Police, Kurnool
kurnool District
3 The Inspector of Police,
II Town Police Station, Kurnool District.

4. 2 copies to the Govt. Pleader for Home, High Court buildings,

Hyderabad.

5. 2 C.D. copies